

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

JAMES M. STEVENS, EXECUTOR  
OF THE ESTATE OF  
HERTA P. WATERMAN, DECEASED

Claim No. CU -3502

Decision No. CU 3781

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for claimant:

Barber, Gardner and Gardner  
By Wilson Barber, Esq.

PROPOSED DECISION

JAMES M. STEVENS, EXECUTOR OF THE ESTATE OF HERTA P. WATERMAN, DECEASED, asserted a claim in the amount of \$50,000.00 under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of Aceitas Vegetales, S.A. in which the decedent owned a stock interest.

In our decision entitled the Claim of William W. Waterman (Claim No. CU-0148 which we incorporate herein by reference), we held that the properties owned by the Corporation were nationalized by the Government of Cuba on October 13, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per share of capital stock as \$130.9092.

On the basis of evidence in the record in the instant case, the Commission finds that the decedent came within the terms of the Waterman decision; that she was an American national at the requisite times; that she had been the owner of 453 shares of capital stock in Aceitas Vegetales, S.A. since prior to October 13, 1960; and that she suffered a loss in the amount of \$59,301.87 within the meaning of Title V of the Act. Upon the death of HERTA P. WATERMAN, the beneficial interest in the claim passed by her will to H. Ralph Pemmerl, a United States national. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss,

to the date on which provisions are made for the settlement thereof. (See Waterman, supra.)

It will be noted that the total amount of loss found herein is in excess of the amount asserted by the claimant. However, in determining the amount of loss sustained, the Commission is not bound by any greater or lesser amounts which may be asserted by claimant as the extent thereof.

CERTIFICATION OF LOSS

The Commission certifies that JAMES M. STEVENS, EXECUTOR OF THE ESTATE OF HERTA P. WATERMAN, DECEASED, succeeded to and suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Fifty-nine Thousand Three Hundred One Dollars and Eighty-seven Cents (\$59,301.87) with interest at 6% per annum from October 13, 1960 to the date of settlement.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

JUL 30 1969

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freidberg*

Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities for the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)